

Department of Public Health
and Human Services

Section:
CHILD SUPPORT

FAMILY MEDICAID

DRAFT

Subject:
Failure/Refusal to Cooperate

Supersedes: FMA 903-1, 07/01/05

References: 42 CFR 433.147, .148; 435.601; ARM 37.82.101, .416

GENERAL RULE--As a condition of the custodial parent/specified caretaker relative's eligibility, if the child is not living with both of their natural/adoptive parents, the custodial parent/specified caretaker relative with whom the child is living, is required to cooperate with the State in establishing paternity and/or pursuing medical support (unless good cause for non-cooperation is determined).



NOTE: Child support cooperation is required only for MA-FM, MA-QP and MA-EC.

**FAILURE/REFUSAL
TO COOPERATE**

If an **APPLICANT** *fails or refuses* to cooperate (without good cause);

1. Deny medical assistance to the custodial parent/specified caretaker relative;
2. Provide medical assistance only to the eligible children (code the non-cooperating adult 'DQ' on SEPA).

If a **RECIPIENT** *fails or refuses* to cooperate (without good cause);

1. Disqualify the custodial parent/specified caretaker relative (TEAMS code "DQ" on SEPA);
2. Continue Medicaid coverage for the eligible children.

NOTE: If there are two parents (i.e., a parent and a step-parent) in the household, only the parent who is not cooperating is disqualified.

**NOTIFICATION
OF NON-
COOPERATION**

The Child Support Enforcement Investigator will notify the eligibility case manager of non-cooperation via a system alert. The eligibility case manager will immediately send a timely and adequate notice explaining the custodial parent/specified caretaker relative's pending disqualification for non-cooperation.

NOTE: If the eligibility case manager has information that may not be available to CSED, and the information suggests the individual either has good cause for not cooperating, or is

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incapable of cooperating, a supervisor can override the CSED non-coop. The supervisor must document case notes with justification for the override. The information used to override the CSED non-coop must be shared with CSED.

If the cited recipient does not comply, disqualification procedures begin. The individual is disqualified and his or her needs removed effective the first of the month following the month of disqualification. Timely notice must be sent. The child(ren)'s needs will continue to be met, if they remain eligible.

Child Support Enforcement Division (CSED) is notified of the action taken via e-mail or hard copy memo. Document case notes with information regarding non-cooperation and actions taken.

REINSTATING MEDICAID UPON COOPERATION

If the custodial parent/specified caretaker relative complies prior to disqualification action (prior to the first of the next month), Medicaid continues (participation code is changed to "IN" on SEPA). Again, CSED is notified of the action taken and case notes are documented.

If the custodial parent/specified caretaker relative complies after disqualification, Medicaid coverage is reinstated the first of the month of compliance.



NOTE: If CSED has closed their medical support case, the individual only needs to complete a new set of HCS/CS-332's for each child's non-custodial parent(s) to be considered cooperating.

EXAMPLE #1

CSED notifies the eligibility case manager on April 12th that Sally Guggenheim is not cooperating and does not have good cause. On April 13th the eligibility case manager sends a timely notice stating that effective May 1st Sally's needs will be removed from Medicaid for non-cooperation with CSED.

On May 6th, CSED notifies the eligibility case manager that Sally is now cooperating. Medicaid is reinstated effective May 1st.

If Sally did not cooperate with CSED until June 5th, Medicaid would be reinstated effective June 1st; Sally would not be eligible for Medicaid in May as she didn't cooperate until June.

EXAMPLE #2

Joe Cool applies for Family Medicaid on May 13th. The eligibility case manager informs him of CSED requirements. Joe states that there is no way in '!#&%' he will complete the referral form (refuses to cooperate).

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The eligibility case manager inquires about good cause, but none is determined. Joe is disqualified from Medicaid for his refusal to comply, but Family Medicaid may be opened for the children, if eligible. Poverty program eligibility should be checked for the children only if they do not qualify under Family Medicaid due to Joe being disqualified. For Medicaid, the children cannot be adversely affected by an action of the adult.

EXAMPLE #3

On April 19th Misty Bottoms applies for Family Medicaid. She requests and comes to an interview with the CSED referral partially completed. During the interview, the eligibility case manager requests that all required information be completed on the referral form. Misty states that she cannot complete the information because she doesn't know it. A meeting is held with the county director/designee; good cause is determined.

As Misty had good cause for her failure to cooperate, she is coded "IN" on SEPA. (See FMA 902 for good cause information).

If good cause had not been determined, Misty would be coded "DQ" on SEPA and Medicaid would be processed for the children.

EXAMPLE #4

The household consists of Gloria, her son Sam, her husband George, and George's son Ken. CSED notifies the eligibility case manager that Gloria is not cooperating in pursuing medical support for Sam. A notice is sent informing Gloria that she will be disqualified for non-cooperation effective the first of the following month. As George is not Sam's parent, he is not required to cooperate with CSED for Sam, and therefore is not disqualified.

**CASE CLOSURE
WHILE IN NON-
COOP STATUS**

If an individual is not cooperating with CSED and the case closes for any reason, case notes **must** be documented regarding the non-cooperation and indicate that the case cannot be reopened until the individual is again cooperating with CSED. A person alert should also be set.

When reopening a case in which CSED cooperation is a requirement, always check case notes prior to reopening the case to ensure the individual was cooperating at case closure. **If the individual was not cooperating with CSED, and did not have good cause, the case cannot be opened until they have cooperated with CSED.**



NOTE: If CSED has closed their medical support case, the individual only needs to complete a new set of HCS/CS-332's for each child's non-custodial parent(s) to be considered cooperating.

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